

Claims 1-18 are pending in this application, with Claims 1, 8, 15, 16, 17, and 18 being independent.

Claims 17 and 18 stand rejected under 35 U.S.C. §101 because nonstatutory subject matter is allegedly claimed. Applicant respectfully traverses this rejection.

The Office Action asserts that a data processing program is nonstatutory subject matter, citing M.P.E.P. §2106. Applicant respectfully disagrees and submits that the cited M.P.E.P. section does not support the proposition that a data processing program is nonstatutory subject matter. To the contrary, M.P.E.P. §2106 states that when a computer program is claimed in a process where the computer is executing the computer program's instructions (as is the case in Claims 17 and 18), the claim should be treated as a process claim. Moreover, that M.P.E.P. section states that a computer-related process must either (A) result in a physical transformation outside the computer or (B) be limited to a practical application within the technological arts. A claim is limited to a practical application when the method produces a concrete, tangible, and useful result. Examples given in the M.P.E.P. include a digital filtering process for removing noise from a digital signal comprising steps of calculating a mathematical algorithm to produce a correction signal and subtracting the correction signal from the digital signal to remove the noise.

Applicant submit that the present invention recited in Claims 17 and 18 recites a concrete, tangible, and useful result and is limited to a practical application. In particular, those claims recite extracting a portion of data, encrypting/decrypting the extracted portion, and combining the encrypted/decrypted portion with the remaining portion. Hence, a computer is controlled to produce a useful result, namely, encrypting (or decrypting) only a portion of data to maintain security of information without increasing processing and/or transmitting time.

In view of the foregoing, reconsideration and withdrawal of the rejection under Section 101 are requested.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,805,700 (Nardone et al.) in view of U.S. Patent No. 5,412,730 (Jones).

Applicant respectfully traverses this rejection for the following reasons.

As recited in Claim 1, the present invention includes, *inter alia*, the features of extracting a particular portion of input data, encrypting the particular portion extracted, and combining the encrypted portion with the remaining portion that was not extracted. Claims 15 and 17 recite similar features. As recited in Claim 8, the present invention includes, among others, the features of extracting an encrypted portion from received data, decrypting the extracted portion, and combining the decrypted portion with the remaining portion that was not extracted. Claims 16 and 18 recite similar features.

Applicant submits that the cited art fails to disclose or suggest at least the above-mentioned features. In contrast to the claimed features, Nardone et al. discloses that compressed video data CVD+ 16 and fully encrypted video data [CVD+] 46 are both input to a selector module 12, and if BTU 38 is selected to encrypt it, a part of [CVD+] 46 corresponding to the selected part is provided instead of BTU 38. See col. 4, lines 46-52 and Fig. 8. Thus, that patents fails to disclose or suggest extraction and encryption of part of the data, and then combination with the unextracted part. Jones et al. fails to remedy these deficiencies. That patent discloses data transmission by ON/OFF commands to designate encryption. See col. 5, lines 5-14 and Fig. 1. Even if combined with Nardone et al., the combination would fail to disclose or suggest at least the features of extracting a part of data, encrypting or decrypting it, and combining it with the

unextracted portion. Therefore, Applicant submits that the present invention recited in the independent claims is patentable over this art.

The dependent claims are believed allowable for at least the same reasons as the independent claims, as well as for the additional features they recite.

For the foregoing reasons, Applicant requests favorable reconsideration, withdrawal of the outstanding rejections, and an early Notice of Allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', is written over a horizontal line.

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